HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.13858 OF 2007

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the notice in Rc.B2.2118/2007, dated 18.6.2007 issued by the 1st respondent-Sub Collector, Gudur, whereby he has taken a decision to allot the lands of the petitioner admeasuring Ac.0-40 cents in Sy.No.227/1P and Ac.1.00 in 227/3P of Dakkili Village & Mandal, Nellore District, for allotment of house sites, as arbitrary, illegal and contrary to the Board Standing Orders and violative of Articles 14 and 300-A of the Constitution of India.

Heard Sri V.Sudhakar Reddy, learned counsel appearing for the petitioner and learned Government Pleader for Land Acquisition.

It is the case of the petitioner that the lands admeasuring Ac.0.40 cents in Sy.No.227-1P and Ac.1-00 in Sy.No.227-3P of Dakkili Village and Mandal, were assigned to him and after due enquiry, he was also granted D Form Patta by the then Mandal Revenue Officer, and since then he has been in possession and enjoyment of the same. While so, the respondents had issued a notice on 18.6.2007 intending to acquire the said lands for providing house sites to the landless

poor persons. Challenging the same, the present writ petition is filed.

While admitting the writ petition, this Court granted interim stay on 2.7.2007. By virtue of the said interim order, the petitioner is in possession of the lands in question.

Learned Government Pleader, on instructions, submits that the respondents are not intending to acquire the lands of the petitioner for providing house sites to the landless poor persons.

Having regard to the submission made by the learned Government Pleader, this Writ Petition is allowed by setting aside the impugned notice dated 18.6.2007. However, it is made clear that as and when the respondents intend to acquire the lands of the petitioner, they are at liberty to do so after following the due process of law. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

24th April, 2018
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HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते